

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3188 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VINODRAY CHHAGANLAL JANI

Versus

JASMIN TALKIES

Appearance:

MR RR TRIVEDI for Petitioner

None present for respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/07/96

ORAL JUDGMENT

Heard learned counsel for the petitioner. Having gone through the Award passed by the Labour Court, Rajkot, which is impugned in this Special Civil Application, I am satisfied that no illegality has been made by the said Court in passing of the same. The employer, the respondent, the proprietor of Cinema had made a statement before the Labour Court that he is ready and willing to take the employee, the petitioner in his

Cinema talkies at Gondal. The petitioner has not accepted the aforesaid offer. The petitioner has declined the respondent's offer to give him service at Gondal, is suggestive of the fact that the petitioner is doing business at Jetpur. Looking to these facts, I find sufficient merits in the case of the respondent that the petitioner had himself left the job for developing his own business. Moreover, the fact that the petitioner himself has given notice to the respondent after more than about 2 1/2 months from the date of alleged termination of his service, further goes to suggest that he was not interested in the employment and he wanted to keep this matter pending so that he may get some benefits. This conduct of the petitioner also needs serious consideration. Taking into consideration the totality of the facts of the case, no interference is called for in the order passed by the Labour Court, impugned in this petition. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.

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(sunil)